

COUNTY ADMINISTRATION

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November 8, 2010

Ms. Jennifer Sincock
US EPA Region 3
Water Protection Division (3WP30)
1650 Arch Street
Philadelphia, PA 19103

NOV 15 2010

Mail To: Water Docket, EPA
Mail Code: 28221T
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

**Re: James City County, Virginia
Locality Comments on the Draft Chesapeake Bay TMDL "Pollution Diet"
Docket ID No. EPA-R03-OW-2010-0736**

Dear Ms. Sincock:

On September 24, 2010 the U.S. Environmental Protection Agency released a draft Chesapeake Bay Total Maximum Daily Load (TMDL), a mandatory "pollution diet" designed to restore the Chesapeake Bay and its vast network of streams, creeks and rivers. Being in the Tidewater region of Virginia, James City County understands the Bay is a complex ecosystem and an economic engine for the region, supporting a variety of industries from fishing to tourism.

James City County realizes the importance of protecting the Chesapeake Bay and its James and York River tributaries. James City is a leader in the Commonwealth of Virginia in our protection efforts. We are committed to not only providing mandated environmental programs, but also advanced initiatives authorized by our elected officials, to reduce nonpoint source pollution.

These commitments are characterized by the following: aggressive environmental goals, strategies and actions (GSA's) from our recently adopted 2009 Comprehensive Plan; implementation of a local erosion and sediment control program since 1975; implementation of the Bay Act program since 1990 (first locality in Virginia); implementation of a stormwater management program which adopted more stringent water quantity protections than required and unique water quality design standards; coverage under an MS4 General Permit for the NPDES Phase II program (VAR040037, 2003); the adoption of Special Stormwater Criteria for select areas in the County; implementation of recommendations from our Green Building Design Roundtable (2010); involvement with the Builders for the Bay, Better Site Design Roundtable in 2004, implementation of nutrient management plan programs for turf and landscape areas associated with private and municipal uses (Community Conservation Partnership, Turf Love and other similar programs); award winning water quality (PRIDE) and water conservation (JCSA Let's Be Water Smart) education programs; and a citizen water quality monitoring program.

In addition to these, and perhaps more importantly, is the County's commitment since 1999 to prepare individualized watershed management plans for the County's eleven subwatersheds. Adopted watershed management plans cover nearly 40 square miles (or 28%) of the County's 144 square mile land mass. Our

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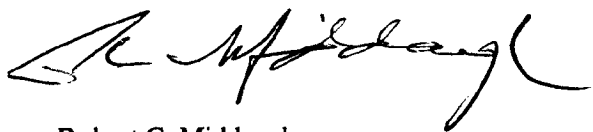
watershed management plans are highly acclaimed as model watershed management plans in the Commonwealth of Virginia.

James City County clearly understands the balance between the need for environmental protection and costs involved with the implementation of such efforts as the Chesapeake Bay TMDL. However, in many instances, these costs are imposed on the localities as unfunded mandates by federal and state legislation or agencies. Based on preliminary estimates by the Hampton Roads Planning District Commission, the costs of the pollution diet are staggering - approximately \$501M in capital costs and \$36M a year in annual maintenance costs to James City County. Even if the cost is overstated, costs of this magnitude will greatly inhibit the County's ability to provide basic services such as public safety, public education, family services, transportation and other established local priorities. Without the substantial assistance of the State and Federal governments, this effort will definitely create an adverse impact on our citizens and business community.

As such, we have concerns with the draft Chesapeake Bay TMDL, Docket ID No. EPA-R03-OW-2010-0736. We also request that the EPA reconsider extending the public comment period on the draft TMDL past the November 8, 2010 deadline so that we and other localities throughout the Chesapeake Bay watershed can discuss and consider the resultant impacts of such an initiative. We also highly recommend that the EPA find a way, through this very complex process, to more closely examine local efforts that localities such as James City County have already completed or are proposing to implement, rather than assuming through input models that programs either do non-exist or minimally address TMDL issues.

We applaud EPA efforts to improve water quality in the Chesapeake Bay and look forward to working with EPA on this important issue. If you have any questions, please call me at 757-253-6603.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Middaugh", with a stylized flourish at the end.

Robert C. Middaugh
County Administrator

RCM/sh